



# Maricopa County Attorney

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Elizabeth Ortiz, Executive Director  
Arizona Prosecuting Attorneys' Advisory Council  
1951 W. Camelback Rd., Suite 202  
Phoenix, Arizona 85015

Re: **Maricopa County Attorney's Office Deferred Prosecution Program Annual Report, 2016-17**

Dear Elizabeth:

Pursuant to Arizona Revised Statutes §11-362, I am sending you a copy of the Annual Evaluation (July 1, 2016 through June 30, 2017) of the Maricopa County Attorney's Office (MCAO) Diversion Programs.

#### **Treatment Assessment Screening Center, Inc. (TASC) Diversion**

The TASC program is intended for possessors of controlled substances and is available as a charging alternative (pre-filing) and after charging as an alternative to prosecution (post-filing). People who successfully complete the program and pay the assigned fees can avoid criminal charges being filed against them or can have filed charges dismissed with prejudice. Both options require the offender to meet general TASC eligibility criteria. TASC is a privately-owned and operated organization that designs and monitors this diversion program in cooperation with the MCAO.

#### **Incoming Diversion Statistics\***

**July 1, 2016 through June 30, 2017**

|                                  |              |
|----------------------------------|--------------|
| Pre-Files                        | 1,144        |
| Post-Files                       | 2,518        |
| <b>Total New TASC Diversions</b> | <b>3,662</b> |

#### **Termination Statistics\***

**July 1, 2016 through June 30, 2017**

|                         |     |
|-------------------------|-----|
| Successful Diversions   | 815 |
| Unsuccessful Diversions | 376 |

|                                       |       |
|---------------------------------------|-------|
| Successful Possessions of Marijuana   | 2,034 |
| Unsuccessful Possessions of Marijuana | 803   |

|                                      |              |
|--------------------------------------|--------------|
| <b>Total Successful Diversions</b>   | <b>2,849</b> |
| <b>Total Unsuccessful Diversions</b> | <b>803</b>   |

**\*Breakdown of TASC Intake Felony Offenses  
July 1, 2016 through June 30, 2017**

|                                      |       |
|--------------------------------------|-------|
| Possession of Marijuana              | 73.4% |
| Methamphetamine                      | 9.1%  |
| Other Dangerous Drugs                | 2.9%  |
| Cocaine                              | 6.1%  |
| Crack                                | 0.1%  |
| Heroin                               | 6.1%  |
| Prescriptions and Prescription Fraud | 2.2%  |

Possession of Marijuana (POM) is the most commonly referred drug offense; 71% of those referred for POM successfully completed TASC. Support Group referrals (Alcoholics Anonymous, Cocaine Anonymous, Narcotics Anonymous, etc.) were made to 63% of the offenders who were referred to TASC (excluding those referred for POM). Of those offenders participating in TASC, 75% were males and 25% were females.

*\*These TASC statistics do not include TASC matters that may be pending and have not been marked as completed/successful or completed/unsuccessful.*

**Adult and Juvenile Diversion**

The MCAO contracts with two providers for non-drug diversion programs: Sage Counseling and TASC. These companies provide non-drug diversion programs for offenders who require general “life skills” training, anger management counseling and drug and alcohol awareness assistance.

Two additional diversion programs are utilized by the MCAO: the Arizona Retailer Tobacco Training (ARTT) and Opportunity Clinic for young adults under 18 (formerly SADD). ARTT is a partnership between the Maricopa County Department of Public Health, the AZ Attorney General’s Office and the AZ Department of Health Services. Together these entities offer a free training program for business retailers and their employees who have been cited for violating Arizona laws prohibiting the sale of tobacco to minors. Retailers and/or their employees can attend training often in lieu of paying fines associated with the citation.

Opportunity Clinic is a restorative justice program for all young adults who have been cited for possession and/or consumption of alcohol or other drugs. It encourages participants to take accountability and responsibility for their choices, the impact and the harm associated, and reflect on the lessons learned.

- 1,161 total offenders were enrolled in these diversion programs in FY 2016-17. 88% of these offenders were referred for non-drug related matters.
- 1,003 offenders completed these diversion programs in FY 2016-17.
- 196 offenders were “non-compliant” and did not complete programs in FY 2016-17.
- 72 offenders participated in the ARTT program.
- 22 offenders participated in the Opportunity Clinic.
- *These numbers may reflect offenders already enrolled from previous FY and/or who are still in the program and have not yet completed.*

### Child Abuse / Excessive Punishment Diversion

The Family Violence Bureaus within the MCAO refer certain low level offenses to a child abuse diversion program for parents and guardians. This is available as a charging decision for first-time offenders with no DCS history who use excessive force in disciplining a child that causes only minor injury and are facing a charge of child abuse or a similar offense. If the offenders complete an education and counseling program, they can avoid having charges filed against them.

- 20 offenders were referred to this diversion program. 15 are still in the program and 3 successfully completed the program. 2 offenders unsuccessfully completed (failed) the program during the reporting period.

### Juvenile Diversion

The MCAO uses the Juvenile Probation Department for diversion eligible cases. Juvenile Probation Diversion includes first and second misdemeanors and first-time drug-related offenses. If it is the first or second referral for the juvenile, the County Juvenile Probation Department will handle the diversion process and the referrals will not be prosecuted by the MCAO.

- In FY 2016-17, there were 10,660 (*estimated; number not yet finalized*) diversion eligible referrals handled by Juvenile Probation. This includes traditional diversion, drug diversion, FINS (Families in Need) and Teen Court. This represents the number of referrals and not the number of youth; as some youth are referred multiple times during the same year.

### Felony Pretrial Intervention Program

The Felony Pretrial Intervention Program is a diversion program for felony offenders with minimal criminal history and who are at low risk to re-offend. The offender is referred to a community treatment provider who develops an individualized treatment program targeting the offender's specific needs. Because this is not a "one size fits all" approach, program length will vary. Successfully completing the program allows the offender to avoid a felony conviction. The Program goals are to reduce recidivism and to direct limited resources toward offenders who need significant intervention by the criminal justice system. The Felony Pretrial Intervention Program began in July 2015. This is the second year of reporting since its inception.

July 1, 2016 through June 30, 2017

| Cases Enrolled              |       | Percent      |
|-----------------------------|-------|--------------|
| Male                        | 56    | 42%          |
| Female                      | 78    | 58%          |
| TOTAL                       | 134   | 100%         |
| Cases w/Restitution         |       | Percent      |
| TOTAL                       | 44    | 33%          |
| Restitution Paid to Victims |       | Amount       |
| TOTAL                       |       | \$46,953.91* |
| Completion Status           |       | Percent      |
| Successful Completion       | 110   | 79.71%       |
| Unsuccessful Completion     | 28    | 20.29%       |
| TOTAL                       | 138** | 100%         |

\* This total reflects restitution paid in FY2017; however these cases have an enrollment date in FY2016 or FY2017.

\*\*This total reflects cases that reached a completion status in FY2017; however these cases have an enrollment date in FY2016 or FY2017.

The Maricopa County Attorney's Office continues to provide high-quality, cost-effective diversion programs to eligible adult and juvenile offenders who come in contact with our office.

Sincerely,



Bill Montgomery  
Maricopa County Attorney